

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

| | | |
|---|---|------------------------|
| In re: | • | Chapter 11 Proceedings |
| CIRCUIT CITY STORES, INC., <u>et al.</u> , | • | Case No. 08-35653 |
| Jointly Administered, | • | Hon. Kevin Huennekens |
| Debtors. | • | |

**MOTION TO ENFORCE ORDER GRANTING DEBTOR-IN-POSSESSION'S
MOTION FOR ORDER SHORTENING NOTICE PERIOD AND LIMITING
NOTICE ON DEBTORS' MOTION FOR ORDER UNDER BANKRUPTCY
CODE SECTIONS 105, 363(b), AND 503 (c)(3) APPROVING A WIND DOWN
INCENTIVE AND RETENTION PLAN AND AUTHORIZING PAYMENT OF A
WIND DOWN INCENTIVE AND RETENTION PAY TO PLAN PARTICIPANTS**

COMES NOW Laurie Lambert-Gaffney (“Ms. Lambert-Gaffney”), by counsel, and for her Motion to Enforce Order Granting Debtor-in-Possession’s Motion for Order Shortening Notice Period and Limiting Notice on Debtors’ Motion for Order Under Bankruptcy Code Sections 105, 363 (b), and 503(c)(3) Approving a Wind Down Incentive and Retention Plan and Authorizing Payment of a Wind Down Incentive and Petition Pay to Plan Participants, states as follows:

Robert A. Canfield, VSB No.16901
CANFIELD, BAER & HELLER, L.L.P.
2201 Libbie Avenue, Suite 200
Richmond, VA 23230
(804) 673-6600

1. On November 10, 2008, the Debtors filed voluntary petitions in this Court for relief under Chapter 11 of the Bankruptcy Code.

2. On March 3, 2009, an Order was entered by this Court granting the Debtor-in-Possession's Motion for Order Shortening Notice Period and Limiting Notice on Debtors' Motion for Order Under Bankruptcy Code Sections 105, 363 (b), and 503(c)(3) Approving a Wind Down Incentive and Retention Plan and Authorizing Payment of a Wind Down Incentive and Petition Pay to Plan Participants.

3. This Order ensures that employees who are essential to the wind down process and that are critical to managing the effective and timely wind down of the Debtors' estates were retained and compensated for their time and effort.

4. Ms Lambert-Gaffney was one of these essential employees which this Order applied to.

5. Ms. Lambert-Gaffney met all of the requirements of the Court's Order and is entitled to be paid the sum of \$133,000.00.

6. As of April 21, 2010, Ms. Lambert-Gaffney has yet to receive the funds allotted to her by said Motion.

7. It is Ms. Lambert-Gaffney's understanding that all other essential employees have been paid in full.

WHEREFORE, Laurie Lambert-Gaffney respectfully asks the Court to enforce the Order Granting Debtor-in-Possession's Motion for Order Shortening Notice Period and Limiting Notice on Debtors' Motion for Order Under Bankruptcy Code Sections 105, 363 (b), and 503(c)(3) Approving a Wind Down Incentive and Retention Plan and Authorizing Payment of a Wind Down Incentive and Petition Pay to Plan Participants

entered by this Court on March 3, 2009, which would allow the Debtor to pay her claim in full.

LAURIE LAMBERT-GAFFNEY

By: /s/ Robert A. Canfield
Counsel

Robert A. Canfield, VSB #16901
CANFIELD, BAER & HELLER, LLP
2201 Libbie Avenue, Suite 200
Richmond, VA 23230
☎ 804.673.6600
✉ 804.673.6604
Counsel for Laurie Lambert-Gaffney

NOTICE OF HEARING

PLEASE TAKE NOTICE that on **May 11, 2010 at 10:00 a.m.**, the Court will conduct a Hearing on the Motion to Enforce Order Granting Debtors' Motion for Order Shortening Notice Period and Limiting Notice on Debtors' Motion for Order Under Bankruptcy Code Sections 105, 363 (b), and 503(c)(3) Approving a Wind Down Incentive and Retention Plan and Authorizing Payment of a Wind Down Incentive and Petition Pay to Plan Participants filed by Robert A. Canfield in the United States Bankruptcy Court, 701 East Broad Street, Richmond, Virginia 23219, in Courtroom 5000.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the requested relief, or if you want the Court to consider your views on the application then, pursuant to Local Rule 9013-1(H)(3)(c), not later than fourteen (14) days before the date of the hearing you or your attorney:

- May file with the Court, at the address shown below, a written Response pursuant to Local Bankruptcy Rule 9013-1(H). If you mail your response to the Court for filing, you **must** mail it early enough so the Court will receive it on or before the date stated above to:

Clerk of Court
United States Bankruptcy Court
701 East Broad Street
Richmond, VA 23219-1888

- You must also mail a copy to:

Robert A. Canfield, Esquire
Canfield Baer Heller and Johnston, LLP
2201 Libbie Avenue, Suite 200
Richmond, VA 23230

You must also attend the Hearing on the Motion scheduled to be held on May 11, 2010 at 10:00 a.m. at the United States Bankruptcy Court 701 East Broad Street Richmond, VA 23219, in Courtroom 5000.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the application and may enter an Order granting relief sought.

/s/ Robert A. Canfield

Robert A. Canfield

Robert A. Canfield, VSB #16901
CANFIELD, BAER & HELLER, LLP
2201 Libbie Avenue, Suite 200
Richmond, VA 23230
☎ 804.673.6600
📠 804.673.6604
Counsel for Laurie Lambert-Gaffney

CERTIFICATE OF SERVICE

I, Robert A. Canfield, certify that on this 21st day of April, 2010, I mailed a copy of the foregoing Motion and Notice, by first-class mail, postage paid, to all necessary parties, as listed below:

Gregg M. Galardi, Esq.
Ian S. Fredericks, Esq.
Skadden, Arps, Slate, Meager
& Flom, LLP
One Rodney Square
PO Box 636
Wilmington, DE 19899

Chris L. Dickerson, Esq.
Skadden, Arps, Slate, Meager
& Flom, LLP
333 West Wacker Drive
Chicago, IL 60606

Dion W. Hayes, Esq.
Douglas M. Foley, Esq.
McGuireWoods LLP
One James Center
901 E. Cary Street
Richmond, VA 23219

Robert Van Arsdale, Esq.
Office of the U.S. Trustee
701 E. Broad Street, Suite 4304
Richmond, VA 23219

/s/ Robert A. Canfield
Robert A. Canfield